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JAN 17 2008
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff,	Magistrate Case No. '08 MJ 8025
v.	COMPLAINT FOR VIOLATION OF
Ernesto FELIX-Serna	21 U.S.C. § 952 and 960 Importation of a Controlled Substance (Felony)
Defendant.	

The undersigned complainant being duly sworn states:

That on or about January 16, 2008, within the Southern District of California, defendant Ernesto FELIX-Serna did knowingly and intentionally import approximately 10.38 kilograms (22.90 pounds) of marijuana a Schedule I Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.

Special Agent Lance Swanson
U.S. Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 17th, DAY OF JANUARY 2008.

PETER C. LEWIS
UNITED STATES MAGISTRATE JUDGE

UNITED STATES OF AMERICA

v.

Ernesto FELIX-Serna

STATEMENT OF FACTS

This Statement of Facts is based on the reports, documents, and notes furnished to U. S. Immigration and Customs Enforcement Special Agent L. Swanson.

On January 16, 2008 at approximately 1010 hours, Ernesto FELIX-Serna entered the United States at the Calexico, California, West Port of Entry. FELIX was the sole occupant driver and registered owner of a 1987 Mercury Sable.

The primary inspector, Customs and Border Protection Officer (CBPO) A. Gordan, noticed that FELIX was nervously chewing his gum in excess and appeared to be in a hurry. FELIX gave the primary inspector a negative oral Customs declaration. FELIX and the vehicle were referred to the secondary lot for closer examination.

In the vehicle secondary lot, a canine inspection of the vehicle was performed. The canine alerted and responded to the rear bumper of the vehicle. CBPO H. Flores discovered 20 packages inside the rear and front bumpers of the vehicle. One of the packages was probed and a sample of a green leafy substance was obtained, which field tested positive for marijuana. The 20 packages had a combined net weight of approximately 10.38 kilograms (22.90 pounds).

FELIX was placed under arrest and advised of his Constitutional Rights, which he acknowledged and waived, agreeing to answer questions. FELIX stated to Special Agent Swanson he was going to be paid $1,000.00 to smuggle marijuana into the United States.